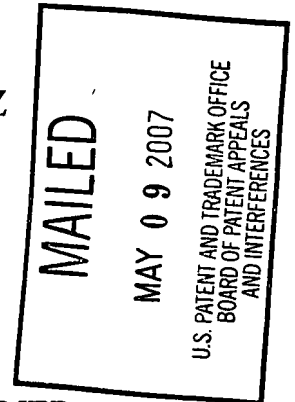


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TEDDY M. KELLER and DAWN D. DOMINGUEZ

Application 10/808,266
Technology Center 1700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 5, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

A Petition was received via facsimile on June 20, 2005 pursuant to 37 C.F.R. § 1.81 and *the Manual of Patenting Examining Procedure (MPEP)* § 706.07(c) and § 1002.02(c)(3)(a) wherein the Appellants requested the withdrawal of the finality of the office action dated May 13, 2005. Upon review of the file history of this application, it has been determined that this Petition has not been properly responded to as required. A response is needed for clarification on the written record.

The Appeal Brief received by the USPTO on January 9, 2006, fails to set

Application 10/808,266

forth a statement which identifies the claims on appeal under the section "STATUS OF CLAIMS." Further review of the Appeal Brief reveals that a *required* section is missing. The missing section is the "RELATED PROCEEDINGS APPENDIX." Correction is required. *See* 37 C.F.R. §§ 41.37(c)(1)(iii) and (c)(1)(x).

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to issue a response to the Petition received June 20, 2005;
- (2) to have said response made a part of the official file record, and to mail a copy to Appellants;
- (3) to instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(iii) and (c)(1)(x);

and

- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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Application 10/808,266

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